

In re Appln. of VAIDYA et al.
Application No. 09/415,901

REMARKS

Claims 1 and 17 are objected to for minor informalities, and Claims 7 and 23 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1, 12, 13, 15, and 17 are rejected as anticipated by U.S. Patent No. 5,699,515 ("Berkema"), and claims 2 and 18 are rejected as obvious over Berkema in view of U.S. Patent No. 5,268,899 ("Brown"). Claims 3-5, 7, 19-21, and 23 are rejected as being obvious over Berkema in view of U.S. Patent No. 5,905,730 ("Yang") and U.S. Patent No. 5,991,295 ("Tout"). Claims 6 and 22 are rejected as obvious over Berkema in view of Yang, Tout, and Brown.

Applicants' representative, Grace Law, conducted an interview with the Examiner on April 2, 2004. Applicants appreciate the Examiner's helpful comments during the interview. The parties primarily discussed the proposed specification and claim amendments to overcome the rejections asserted by the Office. An agreement was reached with the Examiner that the proposed amendment of the specification does not constitute new matter and would be entered by the Examiner. In regard to the claims, although no agreement was reached at the interview, Applicants nevertheless submit arguments relating to Yang as discussed during the interview. Moreover, since the claims have been amended and in light of the interview with the Examiner, Applicants address only the application of Yang in this response, because the rejections as they relate to the other references have changed with these amended claims and the Examiner's primary concern of the proposed claim amendments relates mainly to Yang.

To expedite prosecution and in light of the interview with the Examiner, Applicants cancel all the previously submitted claims and submit new claims 52 through

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66. Applicants submit that the cited references, alone or combined, do not disclose or suggest the features of assigning a start tag to a received packet, the start tag based, at least in part, on *a maximum of a finish tag of a previously received packet*, wherein the finish tag is based, at least in part, on *a start tag of the previously received packet* as recited in independent claims 52, 59, and 66. As recited in the claims, the finish tag of the previous packet is based on the start tag of that previous packet. However, the finish tag recited in the claims indicates a time that is different from the virtual finish time disclosed in Yang, because the start tag of the recited claims is based on a previously received packet while the finish virtual time of Yang is based on a *packet previously transmitted*. In other words, the finish virtual time in Yang relates to a previously transmitted packet, while the finish tag recited in the claims relates to a previously received packet. Thus, Yang does not disclose a finish tag of a previously received packet. For all these reasons, Yang does not, among other things, disclose, teach, or suggest a packet being assigned with a start tag that is based, at least in part, on a maximum of a finish tag of a previously received packet, wherein the finish tag is based, at least in part, on a start tag of the previously received packet and transmitting the received packet based, at least in part, on the assigned start tag as recited in claims 52, 59, and 66. Accordingly, Applicants respectfully request that the rejection of independent claims 52, 59, and 66 be withdrawn.

Furthermore, to the extent that the dependent claims 53-58 and 60-65 depend from independent claims 52 and 59, respectively, these dependent claims are patentable for at least the reasons set forth above with regard to their corresponding independent claims. Nevertheless, Applicants reserve the right to present further arguments in the

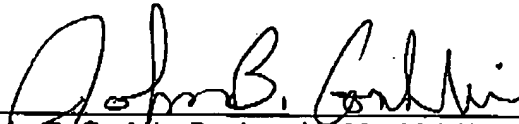
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future with regard to the dependent claims in the event that the independent claims are found to be unpatentable.

CONCLUSION

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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